

UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF NEW YORK

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SAP AG, and SAP AMERICA, INC., )  
  )  
  )  
Plaintiffs,                         )  
  )  
v.                                     ) Civil Action No. 11-cv-02648-KBF  
  )  
  )  
DATATERN, INC.,                     )  
  )  
Defendant.                         )  
  )  
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**DECLARATION OF SCOTT J. NATHAN, ESQ. IN SUPPORT OF  
DATATERN, INC.'S OPPOSITION TO SAP AG  
AND SAP AMERICA, INC.'S MOTION TO ENJOIN DATATERN'S  
ASSERTION OF INFRINGEMENT OF U.S. PATENT NOS.  
5,937,402 AND 6,101,502 BASED ON THE USE OF  
SAP'S BUSINESSOBJECTS PRODUCTS**

I, Scott J. Nathan, Esq., do hereby declare under the penalties of perjury as follows:

1. I am an attorney licensed to practice law in Massachusetts. I am *of counsel* to DataTern, Inc. in this matter and was admitted to the bar of this Court *pro hac vice* on July 30, 2012. The following statements are based upon my personal knowledge.
2. Attached as Exhibit A is a true and accurate copy of DataTern's Complaint filed in *DataTern, Inc. v. Staples, Inc., et al*, Docket No. 2:10-cv-133 (the "Staples case") [Docket Entry 1].
3. Attached as Exhibit B is a true and accurate copy of DataTern's Second Amended Complaint filed in *DataTern, Inc. v. Eli Lilly and Company, et al*, Docket No. 2:10-cv-413 (the "Lilly case") [Docket Entry 159].

4. Attached as Exhibit C is a true and accurate copy of Plaintiff DataTern, Inc.'s Opposition to Defendants' Motion to Stay filed in the Lilly case [Docket Entry 105].

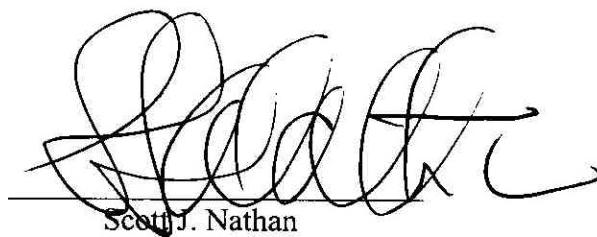
5. Attached as Exhibit D is a true and accurate copy of Plaintiff DataTern, Inc.'s Opposition to Defendants' Motion to Stay filed in the Staples case [Docket Entry 149].

6. Attached as Exhibit E is a true and accurate copy of Plaintiff's Notice Regarding and Motion to Dismiss Without Prejudice Infringement Claims That Are Independent of Defendants' Use of Products of MicroStrategy, Inc. filed in *DataTern, Inc. v. MicroStrategy, Inc., et al*, U.S.D.C. for the District of Massachusetts, Docket No. No. 11-12220 (the "MicroStrategy case") [Docket Entry 42].

10. Attached as Exhibit F is a true and accurate copy of an ECF Notice and Electronic Order entered by Judge Robert G. Stearns on July 5, 2012 in the MicroStrategy case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: December 13, 2012

  
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Scott J. Nathan